

AMENDED IN SENATE JULY 14, 2009

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN SENATE JUNE 22, 2009

Senate Joint Resolution

No. 12

**Introduced by Senators Benoit, Aanestad, Ashburn, Cogdill, Cox,
Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner,
Strickland, Walters, and Wyland**

(Coauthor: Senator Ducheny)

(Coauthors: Assembly Members Blumenfield, Conway, Cook, Gaines,
Jeffries, Knight, Niello, and Silva)

June 1, 2009

Senate Joint Resolution No. 12—Relative to ~~criminal~~ ~~aliens~~
undocumented criminals.

LEGISLATIVE COUNSEL'S DIGEST

SJR 12, as amended, Benoit. ~~Criminal—aliens.~~ *Undocumented
criminals.*

This measure would urge Congress and the President to restore
funding for the State Criminal Alien Assistance Program.

Fiscal committee: no.

1 WHEREAS, The federal government has a legal and moral
2 obligation to keep our borders secure and, if it does not, it should
3 pay the state the full cost of incarcerating undocumented ~~criminal~~
4 ~~aliens~~ *criminals*; and

5 WHEREAS, Federal law states that when a chief executive
6 officer of a state submits a written request to the United States
7 Attorney General for reimbursement the Attorney General will

1 either enter into a contractual arrangement that provides for
2 compensation to the state to incarcerate the undocumented ~~criminal~~
3 ~~alien~~ *criminals* or take the undocumented ~~criminal~~ ~~alien~~ *criminals*
4 into the custody of the federal government (8 U.S.C. Sec. 1231);
5 and

6 WHEREAS, The State Criminal Alien Assistance Program was
7 created in 1994 for the purpose of reimbursing states for the costs
8 of incarcerating undocumented ~~criminal~~ ~~aliens~~ *criminals*; and

9 WHEREAS, Federal law provides that the State Criminal Alien
10 Assistance Program provide federal payments to states and
11 localities that incur costs for incarcerating undocumented ~~criminal~~
12 ~~aliens~~ *criminals*; and

13 WHEREAS, Twelve percent of California's current prison
14 population is composed of undocumented ~~criminal~~ ~~aliens~~ *criminals*,
15 with each inmate costing the state \$48,536 each year; and

16 WHEREAS, In fiscal year 2008–09, it cost the State of California
17 over \$970 million to house these undocumented ~~criminal~~ ~~aliens~~
18 *criminals*; and

19 WHEREAS, In fiscal year 2008–09 the State of California was
20 reimbursed only \$111 million from the State Criminal Alien
21 Assistance Program, making up only 11 percent of the total cost
22 to house these undocumented ~~criminal~~ ~~aliens~~ *criminals*; and

23 WHEREAS, The President of United States recently announced
24 his intention to eliminate funding for the State Criminal Alien
25 Assistance Program in fiscal year 2010; now, therefore, be it

26 *Resolved by the Senate and the Assembly of the State of*
27 *California, jointly*, That the Legislature respectfully urges Congress
28 and the President to restore funding for the State Criminal Alien
29 Assistance Program; and be it further

30 *Resolved*, That the Legislature urges Congress and the President
31 to adequately fund the State Criminal Alien Assistance Program
32 to fully reimburse states for the full cost of incarcerating
33 undocumented ~~criminal~~ ~~aliens~~ *criminals*; and be it further

34 *Resolved*, That the Secretary of the Senate transmit copies of
35 this resolution to the President and Vice President of the United
36 States, to the Speaker of the House of Representatives, to the
37 Majority Leader of the Senate, and to each Senator and

- 1 Representative from California in the Congress of the United
- 2 States.

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